

KAREN P. HEWITT
 United States Attorney
 DAVID M. McNEES
 Special Assistant U.S. Attorney
 California State Bar No. 216612
 Federal Office Building
 880 Front Street, Room 6293
 San Diego, California 92101-8893
 Telephone: (619) 557-5979
 E-mail: david.mcnees@usdoj.gov

Attorneys for Plaintiff
 United States of America

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Civil No. 08cv0862-IEG(CAB)
)	
Plaintiff,)	JOINT MOTION FOR
)	FORFEITURE
v.)	
)	
\$45,000.00 IN U.S. CURRENCY,)	
)	
TWO RABOBANK CASHIER'S)	
CHECKS AT A TOTAL VALUE)	
OF \$31,000.00,)	
)	
ONE WELLS FARGO CHECK)	
#028203098 IN THE AMOUNT)	
OF \$17,000.00,)	
)	
ONE RABOBANK CHECK)	
#012000742 IN THE AMOUNT)	
OF \$8,000.00,)	
)	
ONE RABOBANK CHECK)	
#012000743 IN THE AMOUNT)	
OF \$8,000.00,)	
)	
\$8,000.00 IN U.S. CURRENCY,)	
)	
Defendants.)	

The United States of America, by and through its counsel, Karen P. Hewitt, United States Attorney, and David M. McNees, Special Assistant U.S. Attorney, and the claimants, David Rafael Lomas-Lopez and Lidia Michelle Lomas ("Claimants"), through their attorney of record, Richard M. Barnett, agree as follows:

1 1. The parties have entered into this joint motion in order to resolve the matter of the
2 seizure and forfeiture of the above-referenced defendants:

3 \$45,000.00 IN U.S. CURRENCY,

4 TWO RABOBANK CASHIER'S CHECKS AT A TOTAL VALUE
5 OF \$31,000.00,

6 ONE WELLS FARGO CHECK #028203098 IN THE AMOUNT OF \$17,000.00,

7 ONE RABOBANK CHECK #012000742 IN THE AMOUNT OF \$8,000.00,

8 ONE RABOBANK CHECK #012000743 IN THE AMOUNT OF \$8,000.00, and
9 \$8,000.00 IN U.S. CURRENCY,

10 ("defendant currencies").

11 2. The parties have agreed to a settlement which is hereinafter described in its
12 particulars.

13 3. \$32,000.00 of the defendant currencies shall be forfeited and condemned to the
14 United States pursuant to Title 21, United States Code, Section 881. Judgment shall be entered
15 in favor of the United States on its complaint. The remaining \$85,000.00 of the defendant
16 currencies shall be returned to Claimants David Rafael Lomas-Lopez and Lidia Michelle Lomas,
17 through their attorney of record, Richard M. Barnett.

18 4. Costs incurred by the United States incident to the seizure and custody of the
19 defendant currencies, if any, shall be borne by the United States.

20 5. The person or persons who made the seizure or the prosecutor shall not be liable
21 to suit or judgment on account of such seizure in accordance with Title 28, United States Code,
22 Section 2465. Claimants agree that by entering into this joint motion, they have not "substantially
23 prevailed" within the meaning of 28 U.S.C. § 2465. Each party shall bear its own costs and
24 expenses, including attorney fees.

25 6. Claimants warrant and represent as a material fact that they are the sole owners of
26 the defendant currencies and further warrant that no other person or entity has any right, claim or
27 interest in the defendant currencies, and that they will defend and indemnify the United States

28 //

1 against any and all claims made against it on account of the seizure and forfeiture of the defendant
2 currencies.

3 7. The Claimants, their agents, employees, or assigns, shall hold and save harmless
4 the United States of America, its agents and employees, from any and all claims which might result
5 from the seizure of the defendant currencies.

6 8. Following forfeiture of the United States' portion and distribution of the Claimants'
7 portion of the defendant currencies as described above, the case shall be closed.

8
9 DATED: August 21, 2008

10 KAREN P. HEWITT
11 United States Attorney

12 s/David M. McNees
13 DAVID M. McNEES
14 Special Assistant U.S. Attorney
15 Attorneys for Plaintiff
16 United States of America
17 E-mail: david.mcnees@usdoj.gov

18 DATED: 8-26-08

19 
20 DAVID RAFAEL LOMAS-LOPEZ
21 Claimant

22 DATED: 8-26-08

23 
24 LIDIA MICHELLE LOMAS
25 Claimant

26 DATED: 8-27-08

27 
28 RICHARD M. BARNETT
Attorney for Claimants